

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

MICHAEL T. HAFFNER, as Trustee of the	)	
CHAUFFEURS, TEAMSTERS & HELPERS	)	
LOCAL UNION NO. 301 HEALTH &	)	
WELFARE FUND and as Trustee of the	)	
CHAUFFEURS, TEAMSTERS AND HELPERS	)	
LOCAL UNION NO. 301 PENSION FUND,	)	
	)	
Plaintiffs,	)	No. 16cv2800
	)	
v.	)	Judge: Rebecca R. Pallmeyer
	)	
A & S Trucking & Services Inc.,	)	Magistrate Judge: Susan E. Cox
	)	
Defendant.	)	

**MOTION FOR ENTRY OF JUDGMENT**

Plaintiff Michael T. Haffner, as trustee of the Chauffeurs, Teamsters & Helpers Local Union No. 301 Health & Welfare Fund (“Health & Welfare Fund”) and as trustee of the Chauffeurs, Teamsters & Helpers Local Union No. 301 Pension Fund (“Pension Fund”), moves for entry of judgment against Defendant, A & S Trucking & Services Inc. (“A & S”) and in support thereof states as follows:

1. This case arises pursuant to Section 502(a)(3) of the Employee Retirement Income Security Act of 1974 (“ERISA”), 29 U.S.C. § 1132(a)(3) to collect delinquent employee benefit fund contributions.
2. The complaint in this matter was filed with the Court on March 3, 2016.
3. On April 20, 2016, the Court found Defendant to be in default and directed that it turn over all books and records for inspection by Plaintiff.
4. Defendant has produced certain records for Plaintiff’s inspection.
5. As more fully appears from the Declaration of Michael Haffner, attached hereto

as Exhibit 1, Defendant is indebted to the Health & Welfare Fund for delinquent contributions in the amount of \$13,983.68 and liquidated damages of \$1,398.37 for the period of time from October 1, 2015 through April 30, 2016.

6. As more fully appears from the Declaration of Michael Haffner, attached hereto as Exhibit 1, Defendant is indebted to the Pension Fund for the delinquent contributions in the amount of \$7,245.00, and liquidated damages of \$724.50 for the period of time from October 1, 2015 through April 30, 2016.

7. Pursuant to 29 U.S.C. Section 1132(g)(2)(B) and 26 U.S.C. Section 6621, Plaintiff is entitled, in addition to liquidated damages to, interest on the delinquent contributions at the rate of 3% per annum for the period January 1 through March 31, 2016, and 4% per annum for the period April 1 through June 30, 2016. Accordingly, Defendant is indebted to the Pension Fund in the additional amount of \$102.62, and to the Health & Welfare Fund in the amount of \$198.10.

8. As more fully appears from the declaration of Martin P. Barr attached hereto as Exhibit 2, Plaintiff incurred attorneys' fees of \$7,850.00 and costs of \$665.25 in bringing this action.

WHEREFORE, Plaintiff hereby requests that the Court enter an order of default and judgment:

A. on behalf of the Health & Welfare Fund for delinquent contributions in the amount of \$13,983.68 and liquidated damages of \$1,398.37 for the period of time from October 1, 2015 through April 30, 2016;

B. on behalf of the Pension Fund for the delinquent contributions in the amount of \$7,245.00, and liquidated damages of \$724.50 for the period of time from October 1,

2015 through April 30, 2016;

C. on behalf of Plaintiff for interest owed on the unpaid contributions to the Pension Fund in the amount of \$102.62 and to the Health & Welfare Fund in the amount of \$198.10; and

D. on behalf of Plaintiff for reasonable attorneys' fees of \$7,850.00 and costs of \$665.25 incurred by the Funds in bringing this action; and such other and further relief as the Court may be deemed just and equitable.

Respectfully submitted,

/s/ Martin P. Barr  
Martin P. Barr, attorney for Plaintiffs

CARMELL CHARONE WIDMER  
MOSS & BARR  
1 E. Wacker Dr.  
Suite 3300  
Chicago, Illinois 60601  
(312) 236-8033

Dated: June 7, 2016

**CERTIFICATE OF SERVICE**

Martin P. Barr, an attorney, states that the foregoing Motion for Entry of Order of Default has been served on the parties indicated below by electronic mail and upon Sheila January-Fort by UPS Ground Delivery by depositing the same in the UPS drop box at 1 E. Wacker Dr., Chicago, Illinois this 7<sup>th</sup> day of June, 2016.

A & S Trucking & Services Inc.  
c/o Sheila January-Fort, Registered Agent  
1101 Chestnut St.  
Waukegan, IL 60085  
Sheilajan@jascpa.net

Christopher Cronson, Esq.  
211 Washington St.  
Waukegan, IL 60085  
christophercronsonpc@yahoo.com

/s/ Martin P. Barr  
Martin P. Barr